

UNITED STATES CIVIL SERVICE COMMISSION  
WASHINGTON 25, D. C.

ADDRESS ONLY  
"CIVIL SERVICE COMMISSION"  
IN YOUR REPLY REFER TO  
FILE  
AND DATE OF THIS LETTER

July 7, 1953

Honorable James B. Lay, Jr.

Executive Secretary, National Security Council

Dear Mr. Lay:

Public Law 102, of July 2, 1953, exempted certain specified officers from the provisions of the Annual and Sick Leave Act of 1951, as amended, and authorized the President to designate additional officers as being exempted from that Act. The following material consists of a general explanation of the effect of Public Law 102 and a request for your recommendation of those officers in your agency who should be designated by the President to be exempted from the Annual and Sick Leave Act of 1951.

This Act provides, among other things, that beginning with the first pay period starting after July 2, 1953 (date of enactment of amendment) the 1951 Annual and Sick Leave Act shall no longer apply to the following officers in the executive branch of the Government, the government of the District of Columbia or corporations wholly owned or controlled by the United States:

First, persons appointed by the President, by and with the advice and consent of the Senate, or by the President alone, whose rates of basic compensation exceed the maximum rate provided in the General Schedule of the Classification Act of 1949, as amended;

Second, persons who receive compensation in accordance with section 411 of the Foreign Service Act of 1946; and

Third, such other officers (except postmasters, United States attorneys, and United States marshals) as may be designated by the President.

1. Selection of Officers

In general, the following factors should be considered in identifying positions the incumbents of which should be removed from the 1951 Annual and Sick Leave Act, as amended, by Presidential action:

- a. Policy involved - Officers who are exempted retain their freedom to absent themselves from duty during periods of illness or for vacation and personal reasons by virtue of their status as officers. Officers who are not exempted lose their present freedom with respect to hours of work but, together with employees, retain their statutory rights to annual and sick leave and lump-sum payments for any unused annual leave to their credit (within the limits established by law) upon their separation from the service.
- b. Tenure - Officers specifically exempted by law are those whose tenure in the positions they currently occupy is specifically limited or of uncertain duration. The fact that an officer has civil-service status and was promoted to his present position from a career-type position is not pertinent in any such instance. Likewise, officers exempted by Presidential action should be those whose tenure in the positions they currently occupy is specifically limited or of uncertain duration.
- c. Nature of Position - Officers specifically exempted by law occupy positions at a level and of a type generally requiring some or all of the following elements (a) continuing responsibility even during periods of absence from the office, (b) policy formulation and decisions based on public contacts outside official hours and away from the officers' official post of duty, and (c) self-supervision and responsibility. By the same token, officers exempted by the President should be restricted to but include all officers whose positions qualify under this standard.
- d. Disposition of Leave - The accumulated and accrued unused annual leave to the credit of an officer now or hereinafter exempted from the 1951 Annual and Sick Leave Act, as amended, is held in a "state of suspense" from the date of his exemption until (a) he leaves the Federal service in which event it will be liquidated by a lump-sum payment based on the rate of pay he was receiving at the time of his exemption, or (b) he leaves his position as an exempted officer to serve in a nonexempt position in which event it will be recredited to him together with any unused sick leave he may have had to his credit at the time of his exemption.

## 2. Information Required

Each department and establishment is requested to submit its recommendations in duplicate in a manner similar to Exhibit L-1 attached, to me not later than July 20, 1953.

a. Column instructions:

Column 1 - Officer's Name: Show the officers full name exactly as it appears on the payroll.

Column 2 - Title: Show the officers official payroll title and include organizational or functional title if different.

Column 3 - Salary and Authority: Show officers current base salary and cite the authority upon which it is based.

Column 4 - Tenure: Show duration of appointment if specifically limited - if not specifically limited, show date of appointment in the "From" subcolumn and insert NL in the "To" subcolumn.

Column 5 - Duties: If the title or titles in column 2 are not sufficiently descriptive to indicate clearly the nature of the officer's position, add a word or so here as required.

3. Inquiries

Inquiries concerning this request and your recommendations may be made to Mr. J. Don Kerlin, code 189, extension 526.

Sincerely yours,

A handwritten signature in cursive script that reads "Philip Young".

Philip Young  
Chairman

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Confidential

Exhibit L-1

Department or Establishment

19

Date \_\_\_\_\_

Officers recommended for removal from the  
1951 Leave Act, as amended, by Presidential Action

Approved: \_\_\_\_\_  
(Signature of head of department  
or agency)

Officer's Name  1.	a. Official Title b. Organizational Title 2.	Salary and Authority 3.	Tenure From To 4.	Duties 5.

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